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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,003	12/05/2001	Leonard T. Schroath	10013179-1	2850

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
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EXAMINER

BONZO, BRYCE P

ART UNIT	PAPER NUMBER
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2114

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/002,003

Applicant(s)

SCHROATH ET AL.

Examiner

Bryce P Bonzo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-17 is/are allowed.
- 6) ☒ Claim(s) 1-12 and 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**FINAL OFFICIAL ACTION**

***Status of the Claims***

Claims 1-12 and 18-22 are rejected under 35 USC §103.

Claims 13-15 are allowed.

***Rejections under 35 USC §112.***

All rejections under 35 USC §112 are withdrawn.

***Rejections under 35 USC §103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulrich (United States Patent No. 5,208,814) in view of Urano (United States Patent No. 6,202,158 B1).

As per claim 1, Ulrich discloses:

1. A method comprising:

detecting a printer error (column 7, lines 28-31);

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if the printer error has occurred a predetermined number of times generating an error message (column 7, lines 56-61); and

if the printer error has not occurred a predetermined number of times rebooting the printer (column 7, lines 11-13; column 6, lines 62-64).

Ulrich does not explicitly disclose the use of a predetermined time period. Urano discloses the use of a predetermined time period (column 6, lines 1-6). Security logging, much like error logging, generates large amounts of data and alerts. Often this volume of data concerning problems of any sort in a network becomes overwhelming. Urano discloses the use of predetermined time periods to help organize this volume of data (column 2, lines 1-9). Thus it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the time periods of Urano into the printer error logging and repair system of Ulrich, thus creating a more robust fault tolerant system.

2. A method as recited in claim 1 further comprising if the printer error has occurred a predetermined number of consecutive times, generating an error message (Urano: Figure 1B).

3. A method as recited in claim 1 further comprising if the printer error has occurred a predetermined number of times within the predetermined time period, notifying a

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network administrator of the printer errors (Urano: column 4, lines 63-66; Ulrich: column 7, lines 56-57).

4. A method as recited in claim 1 wherein logging the printer error in an error log includes recording a date and time that the printer error occurred (Urano: Figure 7, item 703).

5. A method as recited in claim 1 wherein logging the printer error in an error log includes recording an identification of the print job being handled when the printer error occurred (Ulrich: column 8, lines 6-8).

6. A method as recited in claim 1 wherein logging the printer error in an error log includes recording an error type associated with the printer error (Urano: Figure 7, item 703).

7. A method as recited in claim 1 wherein rebooting the printer further includes identifying a print job that was printing during the detected printer error and attempting to reprint the identified print job (column 8, lines 3-28).

8. A method as recited in claim 1 further comprising logging the printer error in an error log (column 8, lines 3-28).

As per claim 9, Ulrich discloses:

9. A method comprising:

- detecting a printer error (column 7, lines 28-31);
- logging the printer error in an error log (column 8, lines 3-28);
- if the printer error has occurred a predetermined number of times, generating an error message (column 7, lines 56-61); and
- if the printer error has not occurred a predetermined number of times, rebooting the printer (column 7, lines 11-13 and column 6, lines 62-64).

Ulrich does not explicitly disclose the use of a predetermined number of consecutive times. Urano discloses the use of a predetermined number of consecutive times (column 6, lines 61-67). Security logging, much like error logging, generates large amounts of data and alerts. Often this volume of data concerning problems of any sort in a network becomes overwhelming. Urano discloses the use of predetermined time periods to help organize this volume of data (column 2, lines 1-9). Thus it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the number of consecutive times of Urano into the printer error logging and repair system of Ulrich, thus creating a more robust fault tolerant system.

10. A method as recited in claim 9 further comprising if the printer error has occurred a predetermined number of times within a predetermined time period, generating an error message (Urano: column 4, lines 63-66; Ulrich: column 7, lines 56-67).

11. A method as recited in claim 9 further comprising if the printer error has occurred a predetermined number of consecutive times, notifying a network administrator of the printer errors (Urano: column 4, lines 63-66; Ulrich: column 7, lines 56-67).

12. A method as recited in claim 9 wherein rebooting the printer further includes identifying a print job that was printing during the detected printer error and attempting to reprint the identified print job (Ulrich: column 7, lines 1-4).

As per claim 18, Ulrich discloses:

18. A printer comprising:

- a control panel configured to display information to a user of the printer (column 8, lines 3-28);

- an error log configured to store information regarding printer errors detected by the printer (column 7, lines 51 through column 8, line 28);

- an error analysis module configured to analyze printer errors stored in the error log (column 8, lines 3-28); and

- wherein the error analysis module is further configured to reboot the printer if a particular printer error has not occurred a predetermined number of times (column 7, lines 11-13 and column 6, lines 62-64).

Ulrich does not explicitly disclose the use of a predetermined time period. Urano discloses the use of a predetermined time period (column 6, lines 1-6). Security logging, much like error logging, generates large amounts of data and alerts. Often this volume of data concerning problems of any sort in a network becomes overwhelming. Urano discloses the use of predetermined time periods to help organize this volume of data (column 2, lines 1-9). Thus it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the time periods of Urano into the printer error logging and repair system of Ulrich, thus creating a more robust fault tolerant system.

19. A printer as recited in claim 18 wherein the error analysis module is further configured to generate an error message on the control panel if a particular printer error has occurred twice within the predetermined time period (Ulrich discloses any number).

20. A printer as recited in claim 18 wherein the error log stores a date and time that the printer error occurred (Urano: Figure 7, item 703).

21. A printer as recited in claim 18 wherein the error log stores an error type associated with the printer error (Ulrich: column 7, lines 51-67).

22. A printer as recited in claim 18 wherein the error log stores information regarding the print job being processed when the printer error occurred (Ulrich: column 7, lines 51-

57).

### ***Response to Applicant's Arguments***

#### **I. Urano as Non-Analogous Art**

First, Applicant has asserted insufficient grounds for combining Ulrich and Urano. The Examiner provided a short explanation as to why one of ordinary skill in the art would have been drawn to Urano in the Non-Final Official Action. The following is a detailed reasoning as to why one of ordinary skill in the art would have turned to Urano to improve Ulrich.

The following is the entire text of MPEP 2141.01(a)[R-2]:

The examiner must determine what is "analogous prior art" for the purpose of analyzing the obviousness of the subject matter at issue. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." In re Oetiker, 977 F.2d 1443, 1446, 24 USPQ 2d 1443, 1445 (Fed. Cir. 1992). See also In re Deminski, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); In re Clay, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992) ("A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem."); \* Wang Laboratories Inc. v. Toshiba Corp., 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993); and State Contracting & Eng'g Corp. v. Condotte America, Inc., 346 F.3d 1057, 1069, 68 USPQ2d 1481, 1490 (Fed. Cir. 2003) (where the general scope of a reference is outside the pertinent field of endeavor, the reference may be considered analogous art if subject matter disclosed therein is relevant to the particular problem with which the inventor is involved).

Ulrich discloses:

continuously providing for significant analysis of data	column 8, lines 3-28
using thresholds for determining severity of events	column 8, lines 10-13
processing large of amounts of data	column 7, lines 37-42
self disclosed prior art using various types of thresholds	column 2, lines 9-54

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Urano is a system which continuously handles large amounts of data and performs processing on the data in order to determine the severity of the event. Urano is concerned with event processing and notification in the security arts. Ulrich is concerned with event processing and notification in the fault tolerance arts. MPEP 2141.01(a) clearly states that "the reference must either be in the field of applicant's endeavor *or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.*" The Examiner has chosen to use the portion referring to solving the same problems rather same art within the same environment, which is permissible under current Office Policy.

II. Ulrich does not have logging.

Applicant has asserted that Ulrich is devoid of logging as required to meet every limitation of the claimed invention.

First, claim 1 does not explicitly claim a log in body of the claim, and the cited preamble recitations do not breath life into the body of the claim.

Second, Ulrich clearly provides records of how many errors occur. These records or *logs* are in the form of counters. Ulrich clearly believes the counters are logs as the background describes the establishment of the thresholds via logs. The only data contained the mentioned logs is the number of errors. Therefore, Ulrich's counters are reasonably considered logs. As such Ulrich can reasonably be considered a "printer error logging and repair system."

***Final Disposition***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Allowable Subject Matter***

Claims 13-17 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryce P Bonzo whose telephone number is (571)272-3655. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)272-3645. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Bryce P. Bonzo*

Bryce P Bonzo  
Examiner  
Art Unit 2114

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